

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NICOLE M. MITCHELL,

10-CV-267-PK

Plaintiff,

ORDER

v.

PROVIDENCE HEALTH PLAN,

Defendant.

NICOLE M. MITCHELL
8628 S.W. Fair Ridge Way
Portland, OR 97223
503-297-3348

Plaintiff, *Pro Se*

AARON T. BALS
ARDEN J. OLSON
Harrang Long Gary Rudnick, PC
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Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#41) on October 19, 2010, in which he recommends this Court construe Plaintiff's Motion (#30) for Discovery and/or Inspection to Allow Depositions as a response to Defendant's Motion for Protective Order, grant Defendant's Motion (#19) for Summary Judgment as to Plaintiff's Claims and Defendant's declaratory relief Counterclaims, deny Defendant's Motion (#19) for Summary Judgment as to Defendant's Fourth Counterclaim for attorneys' fees and costs, grant Plaintiff's Cross-Motion (#28) for Summary Judgment only as to Defendant's Fourth Counterclaim for attorneys' fees, deny Plaintiff's Cross-Motion (#28) for Summary Judgment as to all of Plaintiff's other Claims and Counterclaims, deny as moot Defendant's Motion (#22) for Protective Order, and enter Judgment dismissing this matter with prejudice. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#41). Accordingly, the Court:

1. **CONSTRUES** Plaintiff's Motion (#30) for Discovery and/or Inspection to Allow Depositions as a response to Defendant's Motion for Protective Order,
2. **GRANTS** Defendant's Motion (#19) for Summary Judgment as to Plaintiff's Claims and Defendant's declaratory relief Counterclaims,
3. **DENIES** Defendant's Motion (#19) for Summary Judgment as to Defendant's Fourth Counterclaim for attorneys' fees and costs,
4. **GRANTS** Plaintiff's Cross-Motion (#28) for Summary Judgment as to Defendant's Fourth Counterclaim for attorneys' fees,
5. **DENIES** Plaintiff's Cross-Motion (#28) for Summary Judgment as to all of Plaintiff's other Claims and Counterclaims,
6. **DENIES as moot** Defendant's Motion (#22) for Protective Order, and

7. **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 14th day of December, 2010.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge